

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MAURA M. GARCIA,

Plaintiff,

-against-

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

-----X  
DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon the August 8, 2008 Report and Recommendation of United States Magistrate Judge Theodore H. Katz. The parties have not filed objections.

Having reviewed the Report and Recommendation and finding no clear error on the face of the record, see Rule 72, Fed. R. Civ. P., Notes of Advisory Committee on Rules (citing Campbell v. United States Dist. Court, 501 F.2d 196, 206 (9th Cir.), cert. denied, 419 U.S. 879 (1974)), it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation of United States Magistrate Judge Theodore H. Katz dated August 8, 2008 be and the same hereby is approved, adopted, and ratified by the Court;

2. The decision of the Commissioner of Social Security that Plaintiff was not eligible for Supplemental Security Income ("SSI") or disability insurance benefits ("DIB") is hereby

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AFFIRMED;

3. The Clerk of the Court is directed to close the docket in this matter.

SO ORDERED.

Dated: New York, New York

January 29, 2009

A handwritten signature in black ink, appearing to read "Deborah A. Battis". The signature is fluid and cursive, with "Deborah" and "Battis" being the most distinct parts.

Deborah A. Battis

U.S.D.J.